

## COMMENTS

The claims stand rejected under two patents: *Dimitriu* and *Hariri*.

As discussed on the phone with the examiner on 14 October 2003, the present invention detects and records vacuum pressure. Claims 1, 6 and 13 have been amended to more clearly state the invention as being directed towards devices and methods that detect vacuum pressures in a vacuum extraction device used to facilitate fetal extraction. Thus, it is believed that the amended claims, and those that depend therefrom, are now in condition for allowance.

### *Dimitriu*

Comparatively, *Dimitriu* is directed narrowly to monitoring only the tensile force during fetal extraction (column 5, line 55). Nowhere does *Dimitriu* suggest monitoring vacuum pressure. In fact, in column 5, lines 55-56, *Dimitriu* states "According to an important feature of the invention, the optical gauge for sensing strain need only measure the tensile forces . . ." thus teaching away from monitoring anything but tensile forces. Amended claims 1, 6 and 13 specifically call out monitoring vacuum pressure in a vacuum extraction device.

Additionally, it is believed that the amendments make it more clear that *Dimitriu* does not anticipate or make the Applicant's invention obvious. For example, what the examiner refers to as a pressure detection device, is actually a strain gauge (40) (column 5, line 39), and what the examiner refers to as a monitor adapted to record a vacuum pressure is merely referred to as an input/output device (42) throughout the specification without any mention as to the display or recording of a vacuum pressure. No matter how hard one looks, they will not find any suggestion in *Dimitriu* that would give rise to a motivation for recording a vacuum pressure as described in applicant's claims 1, 6, or 13. Accordingly, the device of *Dimitriu* is incapable of detecting, reporting and monitoring and storing the pressure in the fetal extraction cup as claimed by the Applicant, and thus can hardly be said to actually teach detecting, reporting and monitoring and storing the

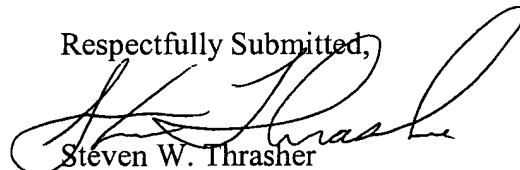
pressure in the fetal extraction cup. Withdrawal of any rejection to the claims based on *Dimitriu* is respectfully requested.

**Hariri**

*Hariri* teaches a stretchable cylindrical net-like structure having an inflatable guide-ring (20) that fits about the throat of a fetus during birth. Claim 13 has been amended to more clearly articulate the invention by more specifically calling out the limitations of using the invention with a vacuum extraction device, and that the invention is adapted to couple to a hand actuated vacuum extraction device having a suction device coupled thereto. In addition, from purely a functional perspective, should a user actually induce a vacuum pressure into the ring (20) of *Hariri*, it would have a noose effect and literally suffocate and kill the fetus. Further, *Hariri* does not teach, show or suggest coupling a monitoring device to a vacuum extraction device. Accordingly, it is believed that the invention as more clearly defined in amended claim 13 is patentably distinguishable from *Hariri*, and withdrawal of the rejections based on *Hariri* is respectfully requested.

Thus, it is believed that pending Claims 1-8, 10-20 are allowable, and allowance of said claims is respectfully requested. If the Examiner has any other matters which remain, the Examiner is encouraged to contact the under signed attorney to resolve these matters by Examiners Amendment where possible.

Respectfully Submitted,



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